

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:23-cv-21347-JEM

MIAMI SLICE PIZZA, LLC, a Florida
limited liability company,

Plaintiff/Counter-Defendant,

v.

CARNIVAL CORPORATION, a Florida
corporation

Defendant/Counter-Plaintiff.

_____ /

AGREED MOTION TO AMEND SCHEDULING ORDER

Plaintiff Miami Slice Pizza, LLC (“Miami Slice”), with agreement from Defendant Carnival Corporation (“Carnival”) (collectively, the “Parties”), by and through its undersigned counsel, moves pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 7.1 to modestly extend the close of discovery by ninety (90) days and related deadlines in the Court’s Order Setting Civil Trial Date and Pretrial Schedule, Requiring Mediation, and Referring Certain Motions to Magistrate Judge [D.E. 10] (the “Scheduling Order”), and state as follows:

1. The Court entered its Scheduling Order on July 6, 2023 setting *inter alia* a March 21, 2024 close of all discovery, including expert discovery. Scheduling Order, at 8.
2. The only amendment to the Scheduling Order was a one-month extension to the expert report disclosures, which are presently due February 1, 2024 and March 1, 2024. *See* Paperless Order [D.E. 20].
3. The parties have diligently engaged in discovery, but Plaintiff (with agreement from Defendant) respectfully submits good cause exists to extend the discovery period, and related

deadlines, by an additional two to three months.

4. Much of the discovery exchanged to date coincided with the Thanksgiving, Christmas, and New Years holidays, which delayed some of the Parties' discovery efforts due to the limited availability of certain party representatives, counsel, and discovery vendors assisting with the production efforts. The parties exchanged their initial document production sets in mid-December and are continuing to produce additional responsive documents on a rolling basis now that the holidays have concluded.

5. Second, the parties are continuing to work towards potentially resolving an outstanding discovery dispute, involving several discrete categories of documents, that is currently set for a second hearing before Magistrate Judge Becerra on January 13, 2023. *See* 12/11/2023 Notice [D.E. 24], 12/18/2023 Amended Notice, and Order Setting January Discovery Hearing [D.E. 28]. The result of this hearing is likely to impact upon the substantive responses to several third-party subpoenas that Plaintiff served, as certain of those third parties have objected to the scope of the subpoenas in a manner similar to Carnival and are therefore awaiting the results of next week's hearing.

6. In view of the foregoing, the parties anticipate that their document production efforts will continue beyond the current expert report deadline of February 1, 2024.

7. Accordingly, Plaintiff (with Defendant's agreement) respectfully submits that good cause exists to extend certain of the existing deadlines, as follows:

Deadline	Current	Proposed
Parties shall exchange written lists containing the names and addresses of all witnesses intended to be called at trial	January 11, 2024	March 11, 2024

Parties shall exchange expert witness summaries and reports	February 1, 2024	April 1, 2024
Parties shall exchange rebuttal expert witness summaries and reports	March 1, 2024	May 1, 2024
All discovery, including expert discovery, shall be completed	March 21, 2024	June 21, 2024
A mediator must be selected	March 31, 2024	Completed
All <i>Daubert</i> , summary judgment, and other dispositive motions shall be filed	April 20, 2024	July 19, 2024
Mediation shall be completed	May 30, 2024	Completed
All pretrial motions and memoranda of law must be filed	June 14, 2024	September 13, 2024
Joint Pretrial Stipulation must be filed	June 29, 2024	September 27, 2024
Proposed jury instructions and/or proposed findings of facts and conclusions of law must be filed	July 22, 2024	October 25, 2024
Proposed <i>voir dire</i> questions must be filed	July 24, 2024	October 30, 2024
Calendar Call	July 25, 2024	October 31, 2024
Trial set for the two-week period commencing:	July 29, 2024	November 2, 2024

WHEREFORE Plaintiff respectfully requests, with Defendant's agreement, that the Court amend the Scheduling Order deadlines pertaining to discovery and related deadlines as proposed herein. The request is not made for purposes of delay or to unduly prejudice any party, as Plaintiff submits, and Defendant agrees, that the requested modest extension will enable the parties to fully engage in the discovery process, the result of which should be the ultimate narrowing of issues for the Court to consider as the case progresses forward.

Local Rule 7.1 Statement

The parties conferred and Defendant agrees to Plaintiff's request for relief.

Date: January 8, 2024

Respectfully submitted by,

THE BRICKELL IP GROUP, PLLC

1101 Brickell Avenue
South Tower, Suite 800
Miami FL, 33131
Tel: 305-728-8831
Fax: 305-428-2450

/s/ A. Robert Weaver

A. Robert Weaver

Fla. Bar No. 92132

Email: rweaver@brickellip.com

Richard Guerra

Fla. Bar No. 689521

Email: rguerra@brickellip.com

Javier Sobrado

Fla. Bar No. 44992

Email: jsobrado@brickellip.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail on January 8, 2024 on all counsel or parties of record via CM/ECF filing.

/s/ A. Robert Weaver

A. Robert Weaver